

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

MARCH 29, 2000

IN RE:

APPLICATION OF @LINK NETWORKS, INC.
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
THROUGHOUT THE STATE OF TENNESSEE

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DOCKET NO. 99-00663

ORDER GRANTING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

On January 26, 2000, this matter came before the Tennessee Regulatory Authority ("Authority") upon the Application of @link Networks, Inc. ("@link") for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services throughout the State of Tennessee (the "Application"). The Application was made pursuant to Tenn. Code Ann. § 65-4-201 *et seq.*

LEGAL STANDARD FOR GRANTING CCN

@link's Application was considered in light of the criteria for granting a certificate of public convenience and necessity ("CCN") as set forth in applicable statutes. Tenn. Code Ann. § 65-4-201 provides, in part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation,

and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

* * *

(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable commission policies, rules and orders; and

(2) The applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for services.

An authority order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a competing telecommunications service provider shall be entered no more than sixty (60) days from the filing of the application.

(d) Subsection (c) is not applicable to areas served by an incumbent local exchange telephone company with fewer than 100,000 total access lines in this state unless such company voluntarily enters into an interconnection agreement with a competing telecommunications service provider or unless such incumbent local exchange telephone company applies for a certificate to provide telecommunications services in an area outside its service area existing on June 6, 1995.

In addition, pursuant to Tenn. Code Ann. § 65-5-212, competing telecommunications providers are required to file with the Authority (1) a plan containing the provider's plan for purchasing goods and services from small and minority-owned telecommunications businesses and (2) information on programs that might provide technical assistance to such businesses.

INTERVENORS

Public notice of the hearing in this matter was made by the Authority's Executive Secretary, pursuant to Tenn. Code Ann. § 65-4-204. No interested persons sought intervention prior to hearing.

@link's HEARING

The Application of @link was uncontested. At the hearing held on January 26, 2000, @link was represented by Val Sanford of Gullett, Sanford, Robinson and Martin, P. O. Box 198888, Nashville, Tennessee 37219. In addition, Connie Kirkendall, @link's Regulatory Manager, presented her testimony and was subject to examination by the Authority's Directors. Upon @link's conclusion of the proof in its case, the Authority granted @link's Application based upon the following findings of fact and conclusions of law:

I. APPLICANT'S QUALIFICATIONS

1. @link was incorporated under the laws of the State of Wisconsin and received its Certificate of Authority to transact business in the State of Tennessee on June 30, 1999.
2. The street address of @link's principal place of business is 20825 Swenson Drive, Suite 150, Waukesha, Wisconsin. The phone number is (414) 717-2000 and fax number is (414) 717-2010.
3. The Application and supporting documentary information existing in the record indicates that @link has the requisite technical and managerial ability necessary to provide facilities-based and resold local exchange, exchange access and interexchange telecommunication services throughout the State of Tennessee. Specifically, @link's management and technical teams have extensive expertise in the information, computing and telecommunications industries.
4. @link has the necessary capital and financial capability to provide the services it proposes to offer.
5. @link has represented that it will adhere to all applicable policies, rules and orders of the Authority.

II. PROPOSED SERVICES

1. @link seeks authority to provide all forms of facilities-based and resold telecommunications services throughout the State of Tennessee, including both local exchange and interexchange telecommunications services. @link seeks authority to offer its services to business and residential customers as both a facilities-based carrier and reseller of telecommunications services. Initially, @link intends to provide data transmissions services only (utilizing DS1, DS3, and xDSL technology). However, @link requests authority to provide the full range of local exchange and interexchange services so that if in the future it decides to provide voice service, it will not have to amend its certificate.

2. Except as may be authorized by law, @link does not intend to serve any areas currently being served by an incumbent local telephone company with fewer than 100,000 total access lines where local exchange competition is prohibited pursuant to Tenn. Code Ann. § 65-4-201(d).

III. PERMITTING COMPETITION TO SERVE THE PUBLIC CONVENIENCE AND NECESSITY

Upon a review of the Application and the record in this matter, the Authority finds that approval of @link application would inure to the benefit of the present and future public convenience by permitting competition in the telecommunications services markets within the State and by fostering the development of an efficient technologically advanced statewide system of telecommunications services.

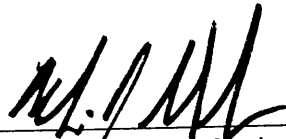
IV. SMALL AND MINORITY-OWNED TELECOMMUNICATIONS BUSINESS PARTICIPATION PLAN & BUSINESS ASSISTANCE PROGRAM

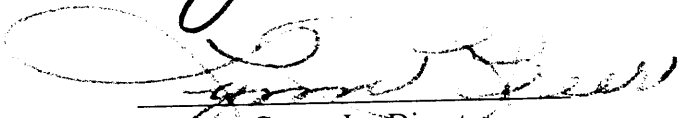
1. Pursuant to Tenn. Code Ann. § 65-5-212 and the Authority's Rules, @link has filed a satisfactory small and minority-owned telecommunications business participation plan.

2. @link has acknowledged its obligation to contribute to the funding of the small and minority-owned telecommunications business assistance program, as set forth in Tenn. Code Ann. § 65-5-213.

IT IS THEREFORE ORDERED THAT:

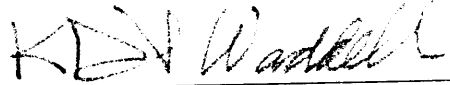
1. The Application of @link as applied for is approved;
2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from the date of this Order; and
3. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary